

5. Defendant James Thiel Sr. (“James Thiel”) is a resident of Pleasant Valley, Scott County, Iowa.

6. Defendant J.W.T. Jr., a minor is a resident of Pleasant Valley, Scott County, Iowa.

7. At all time material hereto James Thiel was the parent and natural guardian of J.W.T. Jr., a minor.

8. Defendant Ethan Mahler is a resident of Bettendorf, Scott County, Iowa.

9. This action is filed pursuant to Madison v. Colby, 348, N.W.2d 202 (Iowa 1984).

10. Venue is appropriately placed under Iowa Code § 616.

STATEMENT OF FACTS

11. On August 16, 2020, 52-year-old Anita Pinc (“Pinc”) and 61-year-old Craig Verbeke (“Verbeke”), who were engaged to be married on July 17, 2021, were enjoying a clear, idyllic Sunday evening boat ride along the Mississippi River in LeClaire, Iowa. Pinc and Verbeke were traveling northbound (or upstream) in a 19-foot 1993 Bayliner boat, and Verbeke was operating it.

12. Defendant Thiel was in a 35-foot triple-motor 2007 Triton boat, traveling southbound (or downstream). The boat was occupied by 13 people, including four adults and nine children, in spite of the boat’s maximum capacity of 12 people. Defendant Thiel was assisting his son, J.W.T., Jr., a minor, who was operating the boat. Defendant Thiel’s company, Thiel Truck Center, owns the 35-foot Triton boat.

13. Defendant Ethan Mahler (“Mahler”) was operating a Scarab boat traveling southbound (or downstream).

14. The facts below are derived largely from a 30-page Case Activity Report and a 9-page Supplemental Report by the Iowa Department of Natural Resources (DNR).

15. Around 7:00 p.m., a Cobalt boat, carrying Mark Schoessler, Kimberly Beightler, Brian Pitt, Heather Pitt, and the Pitts' two children, was traveling southbound on the river. Schoessler was operating the boat. All of a sudden, Beightler alerted Schoessler of two boats—later determined to be Defendant Thiel's Triton boat and Defendant Mahler's Scarab boat—quickly approaching them from behind, on the right, and heading south. Schoessler turned around and observed the Triton boat and Scarab boat “acting crazy,” and he thought the operators of the two boats were either (1) “racing each other” or (2) “upset with each other.” Schoessler, Beightler, and the Pitts watched the Triton boat and Scarab boat travel at excessive speeds, cross each other's paths, drive recklessly and aggressively toward each other, and operate close to each other and the shore. Bystanders estimated the Triton boat and Scarab boat to be traveling above 60 mph. At one point, Beightler thought the Scarab boat was going to hit a nearby Twilight Riverboat and alerted Schoessler, who noted that the Scarab boat was “extremely close to the Twilight cruise boat,” Beightler witnessed the Triton boat and Scarab boat “almost T-bone each other.”

16. Also traveling downstream were four others on a Jon boat. One of the Jon boat's passengers, Tony Dipple, observed the Triton boat and Scarab boat both “moving very fast.” Denise Huset, another passenger on the Jon boat, observed that the Triton boat and Scarab boat were “racing around” and “speeding.”

17. Meanwhile, on the Iowa shoreline, Jazmine Bessenecker and Antonio Ramirez were sitting on a park bench, and Bessenecker noticed the Scarab boat moving “very fast” and the Triton boat following it. According to Bessenecker, the two boats “were clearly racing.” Bessenecker then saw the Triton boat turn directly toward the Bayliner boat for “no good reason.” Ramirez saw that the Bayliner boat “appeared to panic,” that it “turn[ed] one way,” and that “it turned the other way” before the crash. As Ramirez later explained, the Bayliner boat (operated by Craig Verbeke) was attempting to “get out of the way when he realized that the big boat was

coming for him.” Both Ramirez and Bessenecker stated that it appeared as though the Triton had “purposely steer[ed] toward the Bayliner.”

18. Dennis and Amy Whitlock were having a picnic and a cup of coffee in the Le Claire Park. Both observed the Triton boat and Scarab boat go “flying” by the Twilight Riverboat, close to shore. Dennis Whitlock later recalled that the boats were “driving fast enough to make him flinch, which caught his attention” and that they were “traveling faster than they should have been.” Similarly, Amy Whitlock remembered that her “first thought was jeez they [(the Triton boat and Scarab boat)] are going so fast and it was a weird match up for a race because the other boat [(the Scarab)] was so small” and that “the Triton was driving extremely fast.”

19. The Triton boat and Scarab boat caught the attention of another witness on land, Vince Ramsey, who said that he “heard the slap of hulls hitting water” from outside the LeClaire Information Center.

20. The Triton boat approached the Bayliner boat at an excessive speed and hit the back and left side of the Bayliner. An eyewitness later stated that the accident could have been avoided if the Triton boat and the Scarab boat “were not speeding along as fast as they were.”

21. Following the boat crash, the eyewitnesses in the Cobalt boat (Schoessler, Beightler, and the Pitts) called 911 and traveled to the Bayliner boat. There, they witnessed Defendant Thiel, who was completely dry, on the back of the Bayliner boat. Schoessler speculated that Defendant Thiel had been ejected from the Triton boat and landed on the back of the Bayliner boat, never entering the water. Schoessler’s speculation was later determined to be accurate when another eyewitness, Denise Huset, overheard Defendant Thiel state that he had been “thrown from [his Triton] boat.”

22. Defendant Thiel yelled at nearby boaters, “Whose boat is this?” and “Is this your boat?” Thiel was, according to onlookers, confused, in a daze, and in shock. Schoessler, Beightler,

the Pitts, and Huset observed Verbeke's head and arm hanging over the side of the Bayliner boat, and Verbeke was bleeding down the side of the boat. Eyewitnesses to the crash told Defendant Thiel to "check on the people in the [Bayliner] boat," but instead Defendant Thiel stated that he was "not with that boat" and did not "know those people," indicating to the eyewitnesses that "he was on one of the boats that caused the crash."

23. Eventually, Defendant Thiel turned around, saw the injured driver (Verbeke), and began yelling and screaming. Defendant Thiel climbed over things, got into the Bayliner boat, grabbed Verbeke in a "bear hug," and attempted to get Verbeke back into the Bayliner. Eyewitnesses observed that Verbeke had numerous injuries to his head and face, that Verbeke was unconscious, that Pinc's legs were on the floor of the Bayliner boat with debris sitting on top of the rest of her, and that their family dog was also mostly covered by debris. Beightler handed Defendant Thiel a towel to try and stop the bleeding of Verbeke.

24. Defendant Mahler's Scarab boat returned to the accident scene and towed the Bayliner boat back to shore. By the time the Scarab boat, the Bayliner boat, and the Cobalt boat were docked on the Iowa side of the river, five to ten medics and law enforcement officers were there to assist.

25. After the collision, in an attempt to help, Denise Huset asked one of the two women on the Triton boat what had happened, and the woman replied, "Mind your own fucking business." Thereafter, eyewitnesses observed the Triton boat travel away from the accident scene at an "idle speed toward the Illinois side" of the Mississippi River, and the Triton boat "never returned to the Bayliner." Onlookers yelled at the Triton boat to return, but the passengers on the Triton boat ignored such pleas and "kept getting further away." When the Triton boat eventually returned to the Iowa shore, the majority of the passengers—those who were on board during the boat crash—

were no longer on the boat. Only a few passengers returned. Some bystanders stated that passengers on the Triton boat had gotten off onto another boat after the accident.

26. Back onshore, Beightler overheard Defendant Mahler, who drove the Scarab boat, blaming the “other boat” (Defendant Thiel’s Triton boat) for the boat crash, attempting to absolve himself of any responsibility for the crash. This upset Beightler because she believed that “both the Scarab and the Triton were speeding.”

27. Another eyewitness, Denise Huset, spoke with Defendant Thiel, who said his “son was driving.” Huset, a bartender for over 20 years, smelled “liquor” emanating from Defendant Thiel, and described the smell as “horrible” and like “stale liquor.” It was later learned that DNR officers attempted to administer field sobriety tests, but Defendant Thiel “refused.” A passenger on Defendant Thiel’s boat later told investigators that the passengers on the Triton boat had done “the normal day drinking stuff.” Huset also informed investigators that other witnesses on shore had observed the Triton boat and Scarab boat “operating in the same manner” the weekend before.

28. A supplemental nine-page report by the DNR provided additional details about the boat crash. In particular, the supplemental DNR report concluded that the factors that contributed to the boat crash, based on the conduct of the passengers on the Triton boat, were the following: (1) excessive speed, (2) carelessness, (3) improper lookout, (4) operator inexperience, (5) rules of road violation, (6) fail to yield, and (7) alcohol use.

29. Following the boat crash, Pinc and the family dog, died at the accident scene. Verbeke was hospitalized, and three days later, he succumbed to his injuries. Verbeke, Pinc, and their dog died because of Defendants’ conduct described above.

30. In May 2021, Defendant Thiel was charged with two counts of involuntary manslaughter, both felonies, in violation of Section 707.5(1)(a) of the Code of Iowa (Counts 1 and 2); and two counts of involuntary manslaughter, misdemeanors, in violation of Section 707.5(1)(b)

of the Code of Iowa (Counts 3 and 4). Thiel was also charged with one count of reckless use of a watercraft, in violation of Section 462A.12(1) of the Iowa Code; and one count of operation of an unregistered watercraft, in violation of Section 462A.4 of the Iowa Code.

31. The State of Iowa charging documents allege that Thiel “act[ed] in a manner likely to cause death or serious injury” to Craig Verbeke and Anita Pinc and that Thiel “participate[d] and aid[ed] in the operation of a boat in a careless, reckless or negligent manner resulting in the death of [Verbeke and Pinc].”

CAUSES OF ACTION

DIVISION I: JAMES THIEL, SR.

Count 1: Edward Casey (Negligence)

32. Plaintiff Edward Casey hereby incorporates by reference paragraphs 1-31 herein.

33. Defendant James Thiel was negligent and breached the applicable duty of care, and such negligence and breach included, but are not limited to one or more of the following ways:

- a. failing to maintain a proper lookout;
- b. failing to exercise due care to avoid colliding with Craig Verbeke and Anita Pinc;
- c. failing to act as a reasonable, prudent person under the circumstances; and
- d. other ways as determined through discovery.

34. The negligence of Defendant James Thiel was a cause of the decedent Craig Verbeke’s injuries, death, and damages, and decedent Anita Pinc’s injuries, death, and damages.

35. The negligence of Defendant James Thiel was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.

36. James Thiel is vicariously liable for the negligent acts of his servants, employees, and/or agent, including but not limited to his son, J.W.T., Jr. under the doctrine of respondeat superior, corporate liability and ostensible agency.

37. As a result of Defendant James Thiel's negligence, Plaintiff Edward Casey has:
- a. been deprived of the services, companionship and society of his daughter Anita Pinc;
 - b. will in the future be deprived of the services, companionship and society of his daughter Anita Pinc;
 - c. been deprived of the financial support his daughter Anita Pinc;
 - d. will in the future be deprived of the financial support of his daughter Anita Pinc;
 - e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
 - f. other damages.

WHEREFORE Edward Casey prays for judgment against James Thiel, Sr. in an amount sufficient to compensate Edward Casey for his damages, together with costs and interest as provided by law.

Count 2: Margaret Casey (Negligence)

38. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

39. Defendant James Thiel was negligent and breached the applicable duty of care, and such negligence and breach included, but are not limited to one or more of the following ways:

- a. failing to maintain a proper lookout;
- b. failing to exercise due care to avoid colliding with Craig Verbeke and Anita Pinc;
- c. failing to act as a reasonable, prudent person under the circumstances; and

- d. other ways as determined through discovery.
40. The negligence of Defendant James Thiel was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.
41. The negligence of Defendant James Thiel was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.
42. James Thiel is vicariously liable for the negligent acts of his servants, employees, and/or agent, including but not limited to his son, J.W.T., Jr. under the doctrine of respondeat superior, corporate liability and ostensible agency.
43. As a result of Defendant James Thiel's negligence, Plaintiff Margaret Casey has:
- a. been deprived of the services, companionship and society of her daughter Anita Pinc;
 - b. will in the future be deprived of the services, companionship and society of her daughter Anita Pinc;
 - c. been deprived of the financial support her daughter Anita Pinc;
 - d. will in the future be deprived of the financial support of her daughter Anita Pinc;
 - e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
 - f. other damages.

WHEREFORE Margaret Casey prays for judgment against James Thiel, Sr. in an amount sufficient to compensate Margaret Casey for her damages, together with costs and interest as provided by law.

Count 3: Edward Casey (Negligent Supervision)

44. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

45. Defendant James Thiel knew, or in the exercise of ordinary care should have known, of J.W.T. Jr.'s unfitness at the time J.W.T. Jr. engaged in wrongful or tortious conduct.

46. Through the negligent supervision of J.W.T. Jr., J.W.T. Jr.'s incompetence, unfitness or dangerous characteristics caused injuries to Plaintiff.

47. There is an employment or agency relationship between Defendant James Thiel and J.W. T. Jr.

48. The negligent supervision of Defendant J.W.T. Jr. was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.

49. The negligent supervision of Defendant J.W.T. Jr. was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.

50. As a result of Defendant James Thiel's negligence, Plaintiff Edward Casey has:
- a. been deprived of the services, companionship and society of his daughter Anita Pinc;
 - b. will in the future be deprived of the services, companionship and society of his daughter Anita Pinc;
 - c. been deprived of the financial support his daughter Anita Pinc;
 - d. will in the future be deprived of the financial support of his daughter Anita Pinc;
 - e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
 - f. other damages.

WHEREFORE Edward Casey prays for judgment against James Thiel, in an amount sufficient to compensate Edward Casey for his damages, together with costs and interest as provided by law.

Count 4: Margaret Casey (Negligent Supervision)

51. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.
52. Defendant James Thiel knew, or in the exercise of ordinary care should have known, of J.W.T. Jr.'s unfitness at the time J.W.T. Jr. engaged in wrongful or tortious conduct.
53. Through the negligent supervision of J.W.T. Jr., J.W.T. Jr.'s incompetence, unfitness or dangerous characteristics caused injuries to Plaintiff.
54. There is an employment or agency relationship between Defendant James Thiel and J.W. T. Jr.
55. The negligent supervision of Defendant J.W.T. Jr. was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.
56. The negligent supervision of Defendant J.W.T. Jr. was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.
57. As a result of Defendant James Thiel's negligence, Plaintiff Margaret Casey has:
 - a. been deprived of the services, companionship and society of her daughter Anita Pinc;
 - b. will in the future be deprived of the services, companionship and society of her daughter Anita Pinc;
 - c. been deprived of the financial support her daughter Anita Pinc;
 - d. will in the future be deprived of the financial support of her daughter Anita Pinc;
 - e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
 - f. other damages.

WHEREFORE Margaret Casey prays for judgment against James Thiel, in an amount sufficient to compensate Margaret Casey for her damages, together with costs and interest as provided by law.

Count 5: Edward Casey (Negligent Entrustment)

58. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

59. Defendant James Thiel knew, or in the exercise of ordinary care should have known, of J.W.T. Jr.'s incompetence or inexperience operating the 2007 Triton watercraft.

60. Defendant James Thiel knew, or in the exercise of ordinary care should have known of the probable consequences of J.W.T. Jr. operating the 2007 Triton watercraft.

61. Defendant James Thiel permitted J.W. T. Jr. to operate the 2007 Triton watercraft

62. The negligent entrustment of Defendant J.W.T. Jr. was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.

63. The negligent entrustment of Defendant J.W.T. Jr. was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.

64. As a result of Defendant James Thiel's negligence, Plaintiff Edward Casey has:
- a. been deprived of the services, companionship and society of his daughter Anita Pinc;
 - b. will in the future be deprived of the services, companionship and society of his daughter Anita Pinc;
 - c. been deprived of the financial support his daughter Anita Pinc;
 - d. will in the future be deprived of the financial support of his daughter Anita Pinc;
 - e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
 - f. other damages.

WHEREFORE Edward Casey prays for judgment against James Thiel, Sr. in an amount sufficient to compensate Edward Casey for his damages, together with costs and interest as provided by law.

Count 6: Margaret Casey (Negligent Entrustment)

65. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.
66. Defendant James Thiel knew, or in the exercise of ordinary care should have known, of J.W.T. Jr.'s incompetence or inexperience operating the 2007 Triton watercraft.
67. Defendant James Thiel knew, or in the exercise of ordinary care should have known of the probable consequences of J.W.T. Jr. operating the 2007 Triton watercraft.
68. Defendant James Thiel permitted J.W. T. Jr. to operate the 2007 Triton watercraft.
69. The negligent entrustment of Defendant J.W.T. Jr. was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.
70. The negligent entrustment of Defendant J.W.T. Jr. was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.
71. As a result of Defendant James Thiel's negligence, Plaintiff Margaret Casey has:
 - a. been deprived of the services, companionship and society of her daughter Anita Pinc;
 - b. will in the future be deprived of the services, companionship and society of her daughter Anita Pinc;
 - c. been deprived of the financial support her daughter Anita Pinc;
 - d. will in the future be deprived of the financial support of her daughter Anita Pinc;
 - e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and

f. other damages.

WHEREFORE Margaret Casey prays for judgment against James Thiel in an amount sufficient to compensate Margaret Casey for her damages, together with costs and interest as provided by law.

Count 7: Edward Casey (Punitive Damages)

72. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

73. The Defendant's conduct, actions and inactions as set forth herein constituted a willful and wanton disregard for the rights and safety of Anita Pinc and caused actual damages to Plaintiff Edward Casey.

74. As a result of Defendant James Thiel's willful and wanton action disregard for the safety of Anita Pinc, Plaintiff Edward Casey has:

- a. been deprived of the services, companionship and society of his daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of his daughter Anita Pinc;
- c. been deprived of the financial support his daughter Anita Pinc;
- d. will in the future be deprived of the financial support of his daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Edward Casey prays for judgment against James Thiel in an amount sufficient to compensate Edward Casey for his damages, together with costs and interest as provided by law.

Count 8: Margaret Casey (Punitive Damages)

75. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

76. The Defendant's conduct, actions and inactions as set forth herein constituted a willful and wanton disregard for the rights and safety of Anita Pinc and caused actual damages to Plaintiff Margaret Casey.

77. As a result of Defendant James Thiel's willful and wanton action disregard for the safety of Anita Pinc, Plaintiff Margaret Casey has:

- a. been deprived of the services, companionship and society of her daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of her daughter Anita Pinc;
- c. been deprived of the financial support her daughter Anita Pinc;
- d. will in the future be deprived of the financial support of her daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Margaret Casey prays for judgment against James Thiel in an amount sufficient to compensate Margaret Casey for her damages, together with costs and interest as provided by law.

DIVISION II: J.W.T. Jr.

Count 1: Negligence (Edward Casey)

78. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

79. Defendant J.W.T., Jr. was negligent and breached the applicable duty of care, and such negligence and breach included, but are not limited to one or more of the following ways:

- a. failing to maintain a proper lookout;

- b. failing to exercise due care to avoid colliding with Craig Verbeke and Anita Pinc;
- c. failing to act as a reasonable, prudent person under the circumstances; and
- d. other ways as determined through discovery.

80. The negligence of Defendant J.W.T., Jr. was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.

81. The negligence of Defendant J.W.T., Jr. was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.

82. As a result of Defendant J.W.T., Jr.'s negligence, Plaintiff Edward Casey has:

- a. been deprived of the services, companionship and society of his daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of his daughter Anita Pinc;
- c. been deprived of the financial support his daughter Anita Pinc;
- d. will in the future be deprived of the financial support of his daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Edward Casey prays for judgment against J.W.T. Jr.

in an amount sufficient to compensate Edward Casey for his damages, together with costs and interest as provided by law.

Count 2: Negligence (Margaret Casey)

83. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

84. Defendant J.W.T., Jr. was negligent and breached the applicable duty of care, and such negligence and breach included, but are not limited to one or more of the following ways:

- a. failing to maintain a proper lookout;
- b. failing to exercise due care to avoid colliding with Craig Verbeke and Anita Pinc;
- c. failing to act as a reasonable, prudent person under the circumstances; and
- d. other ways as determined through discovery.

85. The negligence of Defendant J.W.T., Jr. was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.

86. The negligence of Defendant J.W.T., Jr. was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.

87. As a result of Defendant J.W.T., Jr.'s negligence, Plaintiff Margaret Casey has:

- a. been deprived of the services, companionship and society of her daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of her daughter Anita Pinc;
- c. been deprived of the financial support her daughter Anita Pinc;
- d. will in the future be deprived of the financial support of her daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Margaret Casey prays for judgment against J.W.T. Jr.

in an amount sufficient to compensate Margaret Casey for her damages, together with costs and interest as provided by law.

Count 2: Edward Casey (Punitive Damages)

88. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

89. The Defendant's conduct, actions and inactions as set forth herein constituted a willful and wanton disregard for the rights and safety of Anita Pinc and caused actual damages to Plaintiff Edward Casey.

90. As a result of Defendant J.W.T. Jr.'s willful and wanton action disregard for the safety of Anita Pinc, Plaintiff Edward Casey has:

- a. been deprived of the services, companionship and society of his daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of his daughter Anita Pinc;
- c. been deprived of the financial support his daughter Anita Pinc;
- d. will in the future be deprived of the financial support of his daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Edward Casey prays for judgment against J.W.T, Jr. in an amount sufficient to compensate Edward Casey for his damages, together with costs and interest as provided by law.

Count 3: Margaret Casey (Punitive Damages)

91. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

92. The Defendant's conduct, actions and inactions as set forth herein constituted a willful and wanton disregard for the rights and safety of Anita Pinc and caused actual damages to Plaintiff Margaret Casey.

93. As a result of Defendant J.W.T. Jr.'s willful and wanton action disregard for the safety of Anita Pinc, Plaintiff Margaret Casey has:

- a. been deprived of the services, companionship and society of her daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of her daughter Anita Pinc;
- c. been deprived of the financial support her daughter Anita Pinc;
- d. will in the future be deprived of the financial support of her daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Margaret Casey prays for judgment against J.W.T. Jr. in an amount sufficient to compensate Margaret Casey for her damages, together with costs and interest as provided by law.

DIVISION III: Ethan Mahler.

Count 1: Negligence (Edward Casey)

94. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

95. Defendant Mahler was negligent and breached the applicable duty of care, and such negligence and breach included, but are not limited to one or more of the following ways:

- a. failing to maintain a proper lookout;

- b. failing to exercise due care to avoid colliding with Craig Verbeke and Anita Pinc;
 - c. failing to act as a reasonable, prudent person under the circumstances; and
 - d. other ways as determined through discovery.
96. The negligence of Defendant Mahler was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.
97. The negligence of Defendant Mahler was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.
98. As a result of Defendant Mahler's negligence, Plaintiff Edward Casey has:
- a. been deprived of the services, companionship and society of his daughter Anita Pinc;
 - b. will in the future be deprived of the services, companionship and society of his daughter Anita Pinc;
 - c. been deprived of the financial support his daughter Anita Pinc;
 - d. will in the future be deprived of the financial support of his daughter Anita Pinc;
 - e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
 - f. other damages.

WHEREFORE Edward Casey prays for judgment against Mahler in an amount sufficient to compensate Edward Casey for his damages, together with costs and interest as provided by law.

Count 2: Negligence (Margaret Casey)

99. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.
100. Defendant Mahler was negligent and breached the applicable duty of care, and such negligence and breach included, but are not limited to one or more of the following ways:

- a. failing to maintain a proper lookout;
- b. failing to exercise due care to avoid colliding with Craig Verbeke and Anita Pinc;
- c. failing to act as a reasonable, prudent person under the circumstances; and
- d. other ways as determined through discovery.

101. The negligence of Defendant Mahler was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.

102. The negligence of Defendant Mahler was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.

103. As a result of Defendant Mahler's negligence, Plaintiff Margaret Casey has:

- a. been deprived of the services, companionship and society of her daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of her daughter Anita Pinc;
- c. been deprived of the financial support her daughter Anita Pinc;
- d. will in the future be deprived of the financial support of her daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Margaret Casey prays for judgment against Mahler in an amount sufficient to compensate Margaret Casey for her damages, together with costs and interest as provided by law.

Count 3: Edward Casey (Punitive Damages)

104. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

105. The Defendant's conduct, actions and inactions as set forth herein constituted a willful and wanton disregard for the rights and safety of Anita Pinc and caused actual damages to Plaintiff Edward Casey.

106. As a result of Defendant Mahler's willful and wanton action disregard for the safety of Anita Pinc, Plaintiff Edward Casey has:

- a. been deprived of the services, companionship and society of his daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of his daughter Anita Pinc;
- c. been deprived of the financial support his daughter Anita Pinc;
- d. will in the future be deprived of the financial support of his daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Edward Casey prays for judgment against Mahler in an amount sufficient to compensate Edward Casey for his damages, together with costs and interest as provided by law.

Count 4: Margaret Casey (Punitive Damages)

107. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

108. The Defendant's conduct, actions and inactions as set forth herein constituted a willful and wanton disregard for the rights and safety of Anita Pinc and caused actual damages to Plaintiff Edward Casey.

109. As a result of Defendant Mahler's willful and wanton action disregard for the safety of Anita Pinc, Plaintiff Margaret Casey has:

- a. been deprived of the services, companionship and society of her daughter Anita Pinc;

- b. will in the future be deprived of the services, companionship and society of her daughter Anita Pinc;
- c. been deprived of the financial support her daughter Anita Pinc;
- d. will in the future be deprived of the financial support of her daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Margaret Casey prays for judgment against Mahler in an amount sufficient to compensate Margaret Casey for her damages, together with costs and interest as provided by law.

DIVISION IV: Thiel Truck Center.

Count 1: Negligence (Edward Casey)

110. Plaintiffs hereby incorporate by reference paragraphs 1-31 herein.
111. It was the duty to Thiel Truck Center, through its servants, employees and/or agents to ensure the public, including boaters on the Mississippi River, are not put at risk by the acts of Thiel Truck Center servants, employees and/or agents operating Thiel Truck Center equipment. Thiel Truck Center, through its servants, employees and/or agents negligently failed to perform this duty.
112. Thiel Truck Center, through its servants, employees and/or agents was negligent in that it failed to operate the Triton boat with the degree of knowledge, skill, care and attention ordinarily possessed by similar organizations under like circumstances.
113. Thiel Truck Center, through its servants, employees and/or agents was negligent in:
- a. failing to maintain a proper lookout;

- b. failing to exercise due care to avoid colliding with Craig Verbeke and Anita Pinc;
 - c. failing to act as a reasonable, prudent person under the circumstances; and
 - d. other ways as determined through discovery.
114. Thiel Truck Center is vicariously liable for the negligent acts of its servants, employees and/or agents under the doctrine of respondeat superior, corporate liability and ostensible agency.
115. The negligence of Defendant Thiel Truck Center was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.
116. The negligence of Defendant Thiel Truck Center was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.
117. As a result of Defendant Thiel Truck Center's negligence, through its servants, employees and/or agents, Plaintiff Edward Casey has:
- a. been deprived of the services, companionship and society of his daughter Anita Pinc;
 - b. will in the future be deprived of the services, companionship and society of his daughter Anita Pinc;
 - c. been deprived of the financial support his daughter Anita Pinc;
 - d. will in the future be deprived of the financial support of his daughter Anita Pinc;
 - e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
 - f. other damages.

WHEREFORE Edward Casey prays for judgment against Thiel Truck Center in an amount sufficient to compensate Edward Casey for his damages, together with costs and interest as provided by law.

Count 2: Negligence (Margaret Casey)

118. Plaintiffs hereby incorporate by reference paragraphs 1-31 herein.
119. It was the duty to Thiel Truck Center, through its servants, employees and/or agents to ensure the public, including boaters on the Mississippi River, are not put at risk by the acts of Thiel Truck Center servants, employees and/or agents operating Thiel Truck Center equipment. Thiel Truck Center, though its servants, employees and/or agents negligently failed to perform this duty.
120. Thiel Truck Center, through its servants, employees and/or agents was negligent in that it failed to operate the Triton boat with the degree of knowledge, skill, care and attention ordinarily possessed by similar organizations under like circumstances.
121. Thiel Truck Center, through its servants, employees and/or agents was negligent in:
- a. failing to maintain a proper lookout;
 - b. failing to exercise due care to avoid colliding with Craig Verbeke and Anita Pinc;
 - c. failing to act as a reasonable, prudent person under the circumstances; and
 - d. other ways as determined through discovery.
122. Thiel Truck Center is vicariously liable for the negligent acts of its servants, employees and/or agents under the doctrine of respondeat superior, corporate liability and ostensible agency.

123. The negligence of Defendant Thiel Truck Center was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.

124. The negligence of Defendant Thiel Truck Center was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.

125. As a result of Defendant Thiel Truck Center's negligence, through its servants, employees and/or agents, Plaintiff Margaret Casey has:

- a. been deprived of the services, companionship and society of her daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of her daughter Anita Pinc;
- c. been deprived of the financial support her daughter Anita Pinc;
- d. will in the future be deprived of the financial support of her daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Margaret Casey prays for judgment against Theil Truck Center in an amount sufficient to compensate Margaret Casey for her damages, together with costs and interest as provided by law.

Count 3: Edward Casey (Negligent Supervision)

126. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

127. Defendant Thiel Truck Center knew, or in the exercise of ordinary care should have known, of J.W.T. Jr.'s unfitness at the time J.W.T. Jr. engaged in wrongful or tortious conduct.

128. Through the negligent supervision of J.W.T. Jr., J.W.T. Jr.'s incompetence, unfitness or dangerous characteristics caused injuries to Plaintiff.

129. There is an employment or agency relationship between Defendant Thiel Truck Center and J.W. T. Jr.

130. The negligent supervision of Defendant J.W.T. Jr. was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.

131. The negligent supervision of Defendant J.W.T. Jr. was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.

132. As a result of Defendant Thiel Truck Center's negligence, Plaintiff Edward Casey has:

- a. been deprived of the services, companionship and society of his daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of his daughter Anita Pinc;
- c. been deprived of the financial support his daughter Anita Pinc;
- d. will in the future be deprived of the financial support of his daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Edward Casey prays for judgment against Thiel Truck Center, in an amount sufficient to compensate Edward Casey for his damages, together with costs and interest as provided by law.

Count 4: Margaret Casey (Negligent Supervision)

133. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

134. Defendant Thiel Truck Center knew, or in the exercise of ordinary care should have known, of J.W.T. Jr.'s unfitness at the time J.W.T. Jr. engaged in wrongful or tortious conduct.
135. Through the negligent supervision of J.W.T. Jr., J.W.T. Jr.'s incompetence, unfitness or dangerous characteristics caused injuries to Plaintiff.
136. There is an employment or agency relationship between Defendant Thiel Truck Center and J.W. T. Jr.
137. The negligent supervision of Defendant J.W.T. Jr. was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.
138. The negligent supervision of Defendant J.W.T. Jr. was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.
139. As a result of Defendant Thiel Truck Center's negligence, Plaintiff Margaret Casey has:
 - a. been deprived of the services, companionship and society of her daughter Anita Pinc;
 - b. will in the future be deprived of the services, companionship and society of her daughter Anita Pinc;
 - c. been deprived of the financial support her daughter Anita Pinc;
 - d. will in the future be deprived of the financial support of her daughter Anita Pinc;
 - e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
 - f. other damages.

WHEREFORE Margaret Casey prays for judgment against Thiel Truck Center in an amount sufficient to compensate Margaret Casey for her damages, together with costs and interest as provided by law.

Count 5: Edward Casey (Negligent Entrustment)

140. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

141. Defendant Thiel Truck Center knew, or in the exercise of ordinary care should have known, of J.W.T. Jr.'s incompetence or inexperience operating the 2007 Triton watercraft.

142. Defendant Thiel Truck Center knew, or in the exercise of ordinary care should have known of the probable consequences of J.W.T. Jr. operating the 2007 Triton watercraft.

143. Defendant James Thiel permitted J.W. T. Jr. to operate the 2007 Triton watercraft

144. The negligent entrustment of Defendant J.W.T. Jr. was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.

145. The negligent entrustment of Defendant J.W.T. Jr. was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.

146. As a result of Defendant Thiel Truck Center's negligence, Plaintiff Edward Casey has:

- a. been deprived of the services, companionship and society of his daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of his daughter Anita Pinc;
- c. been deprived of the financial support his daughter Anita Pinc;
- d. will in the future be deprived of the financial support of his daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and

f. other damages.

WHEREFORE Edward Casey prays for judgment against Thiel Truck Center in an amount sufficient to compensate Edward Casey for his damages, together with costs and interest as provided by law.

Count 6: Margaret Casey (Negligent Entrustment)

147. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.
148. Defendant Thiel Truck Center knew, or in the exercise of ordinary care should have known, of J.W.T. Jr.'s incompetence or inexperience operating the 2007 Triton watercraft.
149. Defendant Thiel Truck Center knew, or in the exercise of ordinary care should have known of the probable consequences of J.W.T. Jr. operating the 2007 Triton watercraft.
150. Defendant Thiel Truck Center permitted J.W. T. Jr. to operate the 2007 Triton watercraft.
151. The negligent entrustment of Defendant J.W.T. Jr. was a cause of the decedent Craig Verbeke's injuries, death, and damages, and decedent Anita Pinc's injuries, death, and damages.
152. The negligent entrustment of Defendant J.W.T. Jr. was a cause of the damage to the 19-foot 1993 Bayliner boat owned by Edward and Margaret Casey.
153. As a result of Defendant Thiel Truck Center's negligence, Plaintiff Margaret Casey has:
- a. been deprived of the services, companionship and society of her daughter Anita Pinc;

- b. will in the future be deprived of the services, companionship and society of her daughter Anita Pinc;
- c. been deprived of the financial support her daughter Anita Pinc;
- d. will in the future be deprived of the financial support of her daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Margaret Casey prays for judgment against Thiel Truck Center in an amount sufficient to compensate Margaret Casey for her damages, together with costs and interest as provided by law.

Count 7: Edward Casey (Punitive Damages)

154. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.

155. The Defendant's conduct, actions and inactions as set forth herein constituted a willful and wanton disregard for the rights and safety of Anita Pinc and caused actual damages to Plaintiff Edward Casey.

156. As a result of Defendant Thiel Truck Center's willful and wanton action disregard for the safety of Anita Pinc, Plaintiff Edward Casey has:

- a. been deprived of the services, companionship and society of his daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of his daughter Anita Pinc;
- c. been deprived of the financial support his daughter Anita Pinc;
- d. will in the future be deprived of the financial support of his daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and

f. other damages.

WHEREFORE Edward Casey prays for judgment against Thiel Truck Center in an amount sufficient to compensate Edward Casey for his damages, together with costs and interest as provided by law.

Count 8: Margaret Casey (Punitive Damages)

157. Plaintiff hereby incorporates by reference paragraphs 1-31 herein.


158. The Defendant's conduct, actions and inactions as set forth herein constituted a willful and wanton disregard for the rights and safety of Anita Pinc and caused actual damages to Plaintiff Edward Casey.

159. As a result of Defendant Thiel Truck Center's willful and wanton action disregard for the safety of Anita Pinc, Plaintiff Margaret Casey has:

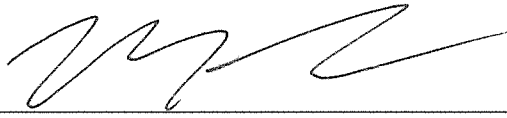
- a. been deprived of the services, companionship and society of her daughter Anita Pinc;
- b. will in the future be deprived of the services, companionship and society of her daughter Anita Pinc;
- c. been deprived of the financial support her daughter Anita Pinc;
- d. will in the future be deprived of the financial support of her daughter Anita Pinc;
- e. incurred the damage and loss of the 19-foot 1993 Bayliner boat; and
- f. other damages.

WHEREFORE Margaret Casey prays for judgment against Thiel Truck Center in an amount sufficient to compensate Margaret Casey for her damages, together with costs and interest as provided by law.

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